

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re) Chapter 7, No. 14-41381-CJP
)
VIRAK P. KIMKHNAL)
)
Debtor)
)

**APPLICATION FOR ORDER AUTHORIZING TRUSTEE
TO EMPLOY COUNSEL TO THE TRUSTEE**

Now comes JONATHAN R. GOLDSMITH, the duly appointed, qualified and acting Chapter 7 Trustee (“Trustee”) in the above-captioned proceedings, and moves this Honorable Court for an Order pursuant to §327(d) of the U.S. Bankruptcy Code (“Code”) authorizing him to employ GOLDSMITH, KATZ & ARGENIO, P.C., as Counsel to the Trustee. In support of said Application, the Trustee respectfully represents as follows:

1. That on June 19, 2014, the above-named Debtor filed a Voluntary Petition under the provisions of Chapter 7 of the Bankruptcy Code.
2. That on July 23, 2014, JONATHAN R. GOLDSMITH accepted the appointment as Chapter 7 Trustee for the above-entitled estate.
3. That, as a result of information procured by the Trustee since his appointment, your Applicant believes that the appointment of counsel is necessary to effectuate the lawful rights and remedies available to the Trustee under the provisions of Title 11 and to fully and properly discharge his fiduciary duties.
4. That the services of counsel are required for, but not limited to, the following purposes:

- (a) to review and evaluate certain assets of the Debtor;
- (b) to pursue all lawful claims of the estate;
- (c) to liquidate assets of the estate;
- (d) to employ and supervise professionals employed by the estate; and
- (e) to maximize the recovery for creditors of the estate.

5. In order to avoid duplication of effort and to maximize the recovery for the benefit of the estate and the unsecured creditors, your Applicant believes it will be in the best interests of the estate to employ counsel to the Trustee.

6. Your Applicant avers that GOLDSMITH, KATZ & ARGENIO, P.C. is proficient in the knowledge and practice of bankruptcy law and has the experience required to adequately represent the Trustee in this case.

7. On information and belief, no member or associate of GOLDSMITH, KATZ & ARGENIO, P.C. has any other connection with the Debtor, his creditors or any other party in interest.

WHEREFORE, your Applicant prays for the allowance of this Application and for an Order pursuant to §327(d) of the Code authorizing him to employ GOLDSMITH, KATZ & ARGENIO, P.C. as Counsel to the Trustee in this case.

JONATHAN R. GOLDSMITH, TRUSTEE IN
BANKRUPTCY FOR VIRAK P. KIMKHNAL

Dated: October 14, 2015

By: /s/ Jonathan R. Goldsmith, Esq.
JONATHAN R. GOLDSMITH, ESQ.
(BBO No. 548285)
GOLDSMITH, KATZ & ARGENIO, P.C.
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AFFIDAVIT PURSUANT TO FRBP 2014(a) AND MBLR 2014-1

1. I hereby represent that I do not hold or represent any interest adverse to the estate of the above-noted Debtor (11 U.S.C. Section 327). I further represent that no member of my firm holds or represents any interest adverse to the estate.

2. My, and my firm's connections with the Debtor, creditors, or other parties in interest, and their respective attorneys and accountants (Federal Rule of Bankruptcy Procedure 2014(a)) are as follows: None.

3. I hereby represent that I am and each member of my firm is a "disinterested person" (11 U.S.C. Section 327) as that term is defined in 11 U.S.C. Section 101 (14).

4. I hereby represent that neither I nor any member of my firm is disqualified by reason of being a relative of a Judge of the United States Bankruptcy Court for the District of Massachusetts, nor am I or any member of my firm disqualified by reason of being a relative of the United States Trustee for the Districts of Maine, Massachusetts, New Hampshire and Rhode Island (Federal Rule of Bankruptcy Procedure 5002).

5. I hereby represent that I have agreed not to share with any person the compensation to be paid for the services rendered in this case.

6. I have received no retainer in this case.

7. I shall amend this statement immediately upon any learning that: (a) any of the within representations are incorrect; or (b) there is any change of circumstances relating thereto.

8. I have reviewed the provisions of MBLR 2016-1.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: October 14 , 2015

By:

JONATHAN R. GOLDSMITH, ESQ.
(BBO No. 548285)
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ORDER AUTHORIZING TRUSTEE TO EMPLOY
COUNSEL TO THE TRUSTEE

At , in said District, on this day of , 2015.

Upon the Application of JONATHAN R. GOLDSMITH, Trustee in the above-captioned case, seeking to employ GOLDSMITH, KATZ & ARGENIO, P.C. to act as Counsel to the Trustee pursuant to 11 U.S.C. §327(d), for cause shown, proper notice having been given and no objections being filed, it is hereby

ORDERED that JONATHAN R. GOLDSMITH, Trustee, is hereby authorized to employ GOLDSMITH, KATZ & ARGENIO, P.C., as Counsel to the Trustee in the above-captioned case, with all fees and expenses subject to further Order of this Court.

HONORABLE CHRISTOPHER J. PANOS
Bankruptcy Judge

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CERTIFICATE OF SERVICE

I, JONATHAN R. GOLDSMITH, ESQ., of GOLDSMITH, KATZ & ARGENIO, P.C., 1350 Main Street, Suite 1505, Springfield, Massachusetts, do hereby certify that I served a copy of the within Application upon those parties listed on the attached Exhibit by electronic mail or by mailing, first class mail, postage prepaid, on this 14th day of October, 2015:

/s/ Jonathan R. Goldsmith, Esq.
JONATHAN R. GOLDSMITH, ESQ.

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